



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2361

DATE SCANNED 7-5-11

SCANNER NO. 2

SCAN OPERATOR Jmw

11092654934



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 21, 2011

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer
Acting Staff Director

FROM: Patricia Carmona *[Signature]*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *JW* Jodi Winship/Sari Pickerall *OR*
Compliance Branch

SUBJECT: Reason To Believe Recommendation - 2010 30 Day Post-General Report
(Unauthorized Filers) For The Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file or timely file the 2010 30 Day Post-General Report in accordance with 2 U.S.C. § 434(a). The list is comprised of unauthorized committees that failed to file or timely file the 2010 30 Day Post-General Report.

The committees appearing on the 30 Day Post-General Report list either failed to file the report, filed the report more than five (5) days after the due date but within thirty (30) days of the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with 11 C.F.R. § 111.43, these committees should be assessed the civil money penalties indicated in the attachment.

In order to determine the level of activity for unauthorized quarterly filers that failed to file or failed to timely file the 30 Day Post-General Report, the Reports Analysis Division (RAD) used the following procedures and criteria:

- Every 30 Day Post-General Report (30 Day Report) submitted by an unauthorized quarterly filer that covered the period from October 1, 2010 through November 22, 2010 (53 days), was reviewed for activity which would have required the filing of a 12 Day Report. If our

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research indicated that the filing of a 12 Day Report was required, we utilized a two-step method to arrive at the estimated level of activity on which to base the fine amount. First, if the committee had any unitemized activity, a per diem level of activity was used by multiplying the total amount of activity on the report by 25% (13 days (12G Filing Period)/53 days (30G Filing Period)). The committees identified through this process as failing to file or failing to timely file the 12 Day Pre-General Report were included in the Reason to Believe Recommendation approved by the Commission on March 11, 2011. If the same committee also failed to file the 30 Day Report in a timely manner, we based the 30 Day Report fine on the amount of the remaining level of activity. We arrived at this amount by subtracting the estimated level of activity for the 12 Day Report from the total amount of activity on the 30 Day Report. In these cases, the committees will also be assessed a fine for the 30 Day Reports based on the estimated levels of activity described above and are included on the attached list.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Reports violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Reports.
2. Send the appropriate letters.

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Federal Election Commission
Reason to Believe Circulation Report
2010 POST-GENERAL Not Election Sensitive 12/02/2010 UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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2352	C00142315	BOYD GAMING POLITICAL ACTION COMMITTEE		RICK DARNOLD	\$228,302	0	1/3/2011	Not Filed	\$3,000	\$250
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AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
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2361	C00041939	ELECTRICAL WORKERS VOLUNTARY, POL, EDU & LEG FUND IBEW LOCAL UNION NO 1		THOMAS G. SANSEVERE	\$539,249	0	12/27/2010	25	\$76,329	\$3,190
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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2010)
30 Day Post-General Report (Unauthorized)
Filers) For the Administrative Fine)
Program:)

BOYD GAMING POLITICAL ACTION) AF# 2352
COMMITTEE, and DARNOLD, RICK as)
treasurer;)

**Federal Election Commission
Certification for Administrative Fines
March 25, 2011**

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**ELECTRICAL WORKERS) AF# 2361
VOLUNTARY, POL, EDU & LEG FUND)
IBEW LOCAL UNION NO 1, and)
SANSEVERE, THOMAS G as treasurer;)**

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**Federal Election Commission
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CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on March 25, 2011 the Commission took the following actions on the Reason To Believe Recommendation - 2010 30 Day Post-General Report (Unauthorized Filers) For the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated March 21, 2011, on the following committees:

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AF#2352 Decided by a vote of 6-0 to: (1) find reason to believe that BOYD GAMING POLITICAL ACTION COMMITTEE, and DARNOLD, RICK as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2361 Decided by a vote of 6-0 to: (1) find reason to believe that ELECTRICAL WORKERS VOLUNTARY, POL, EDU & LEG FUND IBEW LOCAL UNION NO 1, and SANSEVERE, THOMAS G as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on

**Federal Election Commission
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March 25, 2011**

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the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petemen, Walther, and Weintraub voted affirmatively for the decision.

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**Federal Election Commission
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Attest:

March 28, 2011
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

11092654951



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 28, 2011

Thomas G. Sansevere, in official capacity as Treasurer
Electrical Workers Voluntary, Pol, Edu & Leg Fund IBEW Local Union No 1
5850 Elizabeth Avenue
St. Louis, MO 63110

C00041939
AF#: 2361

Dear Mr. Sansevere:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 30 Day Post-General Report of Receipts and Disbursements in a calendar year in which a regularly scheduled general election is held. This report, covering the period through November 22, 2010, shall be filed no later than December 2, 2010. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on December 27, 2010, twenty-five (25) days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On March 25, 2011, the FEC found that there is reason to believe ("RTB") that Electrical Workers Voluntary, Pol, Edu & Leg Fund IBEW Local Union No 1 and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before December 2, 2010. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$3,190. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$3,190 is due within forty (40) days of the finding, or by May 4, 2011, and is based on these factors:

Election Sensitivity of Report: Nat Election Sensitive
Level of Activity: \$76,329
Number of Days Late: 25
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your

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committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or May 4, 2011. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Electrical Workers Voluntary, Pol, Edu & Leg Fund IBEW Local Union No 1 and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate

action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Cynthia L. Bauerly
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$3,190 for the 2010 Post-General Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by May 4, 2011. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Electrical Workers Voluntary, Pol, Edu & Leg Fund IBEW Local Union No 1

FEC ID#: C00041939

AF#: 2361

PAYMENT DUE DATE: May 4, 2011

PAYMENT AMOUNT DUE: \$3,190

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FEC OFFICE OF
ADMIN REVIEW

2011 APR 13 P 12:13

Electrical Workers'

Voluntary Fund



5850 ELIZABETH AVE.
ST. LOUIS, MO 63110

April 4, 2011

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Ms. Cynthia L. Bauerly
Federal Election Commission
Office of Administrative Review
999 E Street NW
Washington, DC 20463

Re: C00041939
AF#: 2361

Dear Ms. Bauerly:

In response to your letter of March 28, 2011 (copy enclosed), we respectfully request that you abate all civil money penalties calculated for violating the reporting requirements stated therein. The late filing of this report happened because of an illness of our administrative person that files these reports. Please note that since the inception of this Campaign Committee on June 17, 1976 the Electrical Workers Voluntary, Political, Education and Legislative Fund IBEW Local No 1 have always filed in a timely manner.

Please inform us at your earliest convenience of your decision and if you have any questions please contact us at 314-647-5900.

Sincerely

A handwritten signature in black ink, appearing to read "Thomas G. Sansevere".
Thomas G. Sansevere
Treasurer

TGS:vh
opeiu #13

Encl.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

April 18, 2011

Thomas G. Sansevere, in his official capacity as Treasurer
Electrical Workers Voluntary, Pol, Edu & Leg Fund IBEW
Local Union No 1
5850 Elizabeth Avenue
St. Louis, MO 63110

C00041939
AF#: 2361

Dear Mr. Sansevere:

On April 13, 2011, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") which is being reviewed by OAR. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dayna C. Brown".

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

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2011 APR 14 P 1:26

Date: April 14, 2011

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 2361

**Committee Name: Electrical Workers Voluntary, Pol, Edu & Leg Fund IBEW Local
Union No 1**

Committee ID#: C00041939

Committee Address (if different than in RTB letter): N

Treasurer Name (if different than in RTB finding): N

Attachments:

**Copy of RTB Circulation Report, dated March 21, 2011 and RTB Certification,
dated March 28, 2011 (Y/N): N**

Attachment #: N/A

Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y

Attachment #: 1

Telecoms and Visitcoms in Response to RTB Letter (Y/N): N

Attachment #: N/A

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2010 30 Day Post-General Report Prior Notice, dated November 8, 2010.

-Non-Filer Letter, dated December 20, 2010.

-RTB Letter, dated March 28, 2011.

Attachment #: 2

Other RAD Information: (Y/N): N

Attachment#: N/A

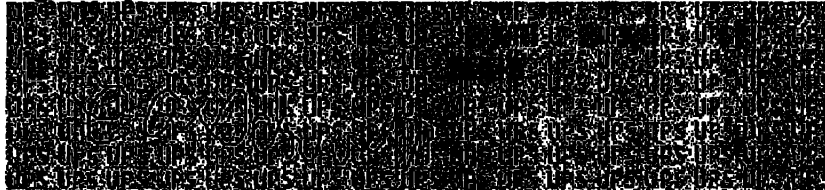
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**Delivery Notification**

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number: 1Z WF5 860 A2 9505 120 5
Reference Number(s): RAD, 2361
Service: NEXT DAY AIR
Special Instructions: ADULT SIGNATURE REQUIRED
Shipped/Billed On: 03/24/2011
Delivered On: 03/30/2011 9:59 A.M.
Delivered To: 5850 ELIZABETH AVE
SAINT LOUIS, MO, US 63110
Signed By: SCHWEPPE



Location: FRONT DESK

Thank you for giving us this opportunity to serve you.

Sincerely,
UPS

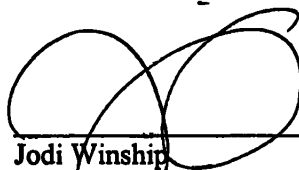
Tracking results provided by UPS: 03/31/2011 10:56 A.M. ET

Attachment 1

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DECLARATION OF JODI WINSHIP

1. I am the Acting Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Acting Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Electrical Workers Voluntary, Pol, Edu & Leg Fund IBEW Local Union No 1:
 - A) Prior Notice, dated November 8, 2010 referencing the 2010 30 Day Post-General Report (sent via electronic mail to: VOLFUND@IBEWLOCAL1.ORG);
 - B) Non-Filer Letter, dated December 20, 2010, referencing the 2010 30 Day Post-General Report;
 - C) Reason-to-Believe Letter, dated March 28, 2011, referencing the 2010 30 Day Post-General Report.
3. I hereby certify that I have searched the Commission's public records and find that Electrical Workers Voluntary, Pol, Edu & Leg Fund IBEW Local Union No 1 filed the 2010 30 Day Post-General Report with the Commission on December 27, 2010.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 14th day of April, 2011.



Jodi Winship
Acting Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



GENERAL ELECTION

REPORT NOTICE

FEDERAL ELECTION COMMISSION

PARTIES AND PACS

November 8, 2010

****** REMINDER ******

All party committees and PACs (nonconnected committees and separate segregated funds) must file a Post-General Election Report.

Reports sent by Registered or Certified Mail must be postmarked by the mailing deadline (December 2, 2010). If using Overnight Mail, the delivery service must receive the report by the mailing deadline (December 2, 2010). Otherwise, the report must be received by the filing deadline (December 2, 2010).

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 20, 2010

RQ-7

SANSEVERE, THOMAS G, TREASURER
ELECTRICAL WORKERS VOLUNTARY, POL, EDU & LEG FUND IBEW LOCAL UNION NO 1
5850 ELIZABETH AVE
ST. LOUIS, MO 63110

IDENTIFICATION NUMBER: C00041939

REFERENCE: POST-GENERAL REPORT 10/1/2010 - 11/22/2010

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C., 20463. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT OR RELEVANT PORTIONS MUST ALSO BE FILED WITH THE SECRETARY OF THE STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT CHRISTOPHER RITCHIE AT OUR TOLL FREE NUMBER (800)424-9530. OUR DIRECT LOCAL NUMBER IS (202)694-1130.

SINCERELY,

Debbie Chacona

DEBBIE CHACONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

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10030521721



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.
20463

2011 APR 19 P 2:27

April 19, 2011

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer *AP*
Acting Staff Director

From: Patricia Carmona *PC*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2361 – Electrical Workers
Voluntary, Pol, Edu & Leg Fund IBEW Local Union No 1 and Thomas G.
Sansevere, in his official capacity as Treasurer (C00041939)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

11092654963



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 19, 2011

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2361 – Electrical Workers Voluntary, Pol, Edu & Leg Fund IBEW Local Union No 1 and
Thomas G. Sansevere, in his official capacity as Treasurer (C00041939)

Summary of Recommendation

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$3,190 civil money penalty.

Reason-to-Believe Background

On March 25, 2011, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2010 30 Day Post-General Report and made a preliminary determination that the civil money penalty was \$3,190 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter, dated March 28, 2011, was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a committee not authorized by a candidate shall file, in an election year, a post-general election report no later than 30 days after any general election. 2 U.S.C. § 434(a)(4)(A)(iii) and 11 C.F.R. § 104.5(c)(1)(iii). Reports filed electronically must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on December 2 to be timely filed. 11 C.F.R. § 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge

On April 13, 2011, the Commission received the written response ("challenge") from the Treasurer, requesting that the civil money penalty be abated. The Treasurer states that the report was filed late due to the illness of the administrative person who files these reports, and notes that they have filed timely since the Committee's inception in 1976. Included with the challenge is a copy of the RTB letter

Analysis

The 30 Day Post-General Report was filed on December 27, 2010, 25 days late.

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The challenge fails to address any of the three valid grounds for challenge enumerated at 11 C.F.R. § 111.35(b): (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. The administrative fine regulations at 11 C.F.R. § 111.35(d), specifically state that the illness or unavailability of the Treasurer or other staff (i.e., the administrative person responsible for filing the respondents' reports) is not a circumstance that will be considered reasonably unforeseen and beyond the control of the respondents, and therefore not valid grounds for challenge. Additionally, the regulations are clear that the Treasurer is personally responsible for the timely and complete filing of reports, as well as the accuracy of the information they contain. 11 C.F.R. § 104.14(d).

The other issue raised in the challenge, (the respondents' having filed timely since 1976), also does not fall within the list of defenses enumerated at 11 C.F.R. § 111.35(b). Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,190.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2361 involving Electrical Workers Voluntary, Pol, Edu & Leg Fund IBEW Local Union No 1 and Thomas G. Sansevere, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2361 that Electrical Workers Voluntary, Pol, Edu & Leg Fund IBEW Local Union No 1 and Thomas G. Sansevere, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,190; and
- (3) Send the appropriate letter.

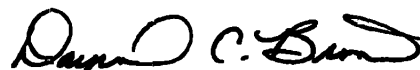
Reviewing Officer: Dayna C. Brown

Attachments

- Attachment 1 – Challenge Received from Respondents
- Attachment 2 – Declaration from RAD
- Attachment 3 – Declaration from OAR

DECLARATION OF DAYNA C. BROWN

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2010 30 Day Post-General Report is due December 2, 2010. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on December 2 to be timely filed.
3. I hereby certify that I have searched the Commission's public records and that the document identified herein is the true and accurate copy of Page 1 of the Summary Page for the 2010 30 Day Post-General Report electronically filed by the Electrical Workers Voluntary, Pnl, Edu & Leg Fund IBEW Local Union No 1 and Thomas G. Sansevere, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from October 1 through November 22, 2010, and was received on December 27, 2010.
4. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 19th of April, 2011.



Dayna C. Brown
Reviewing Officer
Office of Administrative Review
Federal Election Commission

11092654966

**FEC
FORM 3X****REPORT OF RECEIPTS
AND DISBURSEMENTS**
For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

ELECTRICAL WORKERS VOLUNTARY, POL, EDU & LEG FUND IBEW LOCAL UNION NO 1

ADDRESS (number and street)

5850 ELIZABETH AVE

Check if different
than previously
reported. (ACC)

ST. LOUIS

MO

63110

2. FEC IDENTIFICATION NUMBER CITY STATE ZIP CODE

C00041939

3. IS THIS REPORT X NEW (N) OR AMENDED (A)

4. TYPE OF REPORT
(Choose One)

(b) Monthly
Report
Due On:

Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

Nov 20 (M11)
(Non-Election
Year Only)

(a) Quarterly Reports:

Mar 20 (M3)

Jun 20 (M6)

Sep 20 (M9)

Dec 20 (M12)
(Non-Election
Year Only)

Apr 20 (M4)

Jul 20 (M7)

Oct 20 (M10)

Jan 31 (YE)

April 15
Quarterly Report(O1)July 15
Quarterly Report(O2)October 15
Quarterly Report(O3)January 31
Quarterly Report(YE)(c) 12-Day
PRE-Election
Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the
State ofJuly 31 Mid-Year
Report(Non-election
Year Only) (MY)(d) 30-Day
Post -Election
Report for the:

General (30G)

Runoff (30R)

Special (30S)

Termination Report
(TER)

Election on

11

02

2010

in the
State of

MO

5. Covering Period 10 01 2010 through 11 22 2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer THOMAS G SANSEVERE

Signature of Treasurer Electronically Filed by THOMAS G SANSEVERE

Date 12 27 2010

NOTE : Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3X**
(Rev. 12/2004)

FE6AN02H

11092654967



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

April 20, 2011

Thomas G. Sansevere, in his official capacity as Treasurer
Electrical Workers Voluntary, Pol, Edu & Leg Fund IBEW
Local Union No 1
5850 Elizabeth Avenue
St. Louis, MO 63110

C00041939
AF#: 2361

Dear Mr. Sansevere:

On March 25, 2011, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Electrical Workers Voluntary, Pol, Edu & Leg Fund IBEW Local Union No 1 and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2010 30 Day Post-General Report. The Commission also made a preliminary determination that the civil money penalty was \$3,190 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

Attachment

11092654968



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2011 MAY 17 P 3:41

May 17, 2011

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer
Acting Staff Director *AP*

From: Patricia Carmona *PC*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2361 – Electrical Workers
Voluntary, Pol, Edu & Leg Fund IBEW Local Union No 1 and Thomas G.
Sansevere, in his official capacity as Treasurer (C00041939)

On March 25, 2011, the Commission found reason to believe (“RTB”) that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2010 30 Day Post-General Report and also made a preliminary determination that the civil money penalty was \$3,190 based on the schedule of penalties at 11 C.F.R. § 111.43.

On April 13, 2011, the Commission received their written response (“challenge”) from the Treasurer. After reviewing the challenge, the Reviewing Officer’s recommendation dated April 19, 2011 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$3,190 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the Reviewing Officer’s recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

On May 2, 2011, the Commission received the respondents’ \$3,190 payment.

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OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2361 involving Electrical Workers Voluntary, Pol, Edu & Leg Fund IBEW Local Union No 1 and Thomas G. Sansevere, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2361 that Electrical Workers Voluntary, Pol, Edu & Leg Fund IBEW Local Union No 1 and Thomas G. Sansevere, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,190; and
- (3) Send the appropriate letter.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation -) AF 2361
Electrical Workers Voluntary, Pol, Edu)
& Leg Fund IBEW Local Union No 1)
and Thomas G. Sansevere, in his official)
capacity as Treasurer (C00041939))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on May 26, 2011, the Commission decided by a vote of 6-0 to take the following actions in AF 2361:

1. Adopt the Reviewing Officer recommendation for AF# 2361 involving Electrical Workers Voluntary, Pol, Edu & Leg Fund IBEW Local Union No 1 and Thomas G. Sansevere, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF 2361 that Electrical Workers Voluntary, Pol, Edu & Leg Fund IBEW Local Union No 1 and Thomas G. Sansevere, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$3,190.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petarsen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

May 27, 2011
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

11092654971



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas G. Sansevere, in official capacity as Treasurer
Electrical Workers Voluntary, Pol, Edu & Leg Fund
IBEW Local Union No 1
5850 Elizabeth Avenue
Saint Louis, MO 63110

C00041939
AF# 2361

Dear Mr. Sansevere:

On March 25, 2011, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Electrical Workers Voluntary, Pol, Edu & Leg Fund IBEW Local Union No 1 and you, your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to timely file the 2010 30 Day Post-General Report. By letter dated March 28, 2011, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$3,190 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On April 13, 2011, the Office of Administrative Review received your written response, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Electrical Workers Voluntary, Pol, Edu & Leg Fund IBEW Local Union No 1 and you, your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$3,190 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on April 19, 2011.

On May 2, 2011, the Commission received your \$3,190 payment.

On May 26, 2011, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Electrical Workers Voluntary, Pol, Edu & Leg Fund IBEW Local Union No 1 and you, your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$3,190. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

11092654972

If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). The failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Dayna Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,



Caroline C. Hunter
Vice Chair

Attachment

FOR: Electrical Workers Voluntary, Pol, Edu & Leg Fund IBEW Local Union No:1

FEC ID#: C00041939

AF#: 2361

PAYMENT DUE DATE: May 4, 2011

PAYMENT AMOUNT DUE: \$3,190

11092654974

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 006 \$ 0000319000 BA# 1 05-02-11 20 4



ELECTRICAL WORKERS VOLUNTARY POLITICAL 5850 Elizabeth Ave Saint Louis, MO 63110		5054 70-130810	
DATE <u>4-26-11</u>			
PAY TO THE ORDER OF	<u>Federal Election Commission</u>	\$ <u>3,190</u>	
<u>Three Thousand, One Hundred Ninety and 00/100</u>		DOLLARS	
REGIONS			
FOR <u>FEC ID# C00041939 AF# 2361</u>		<u>[Signature]</u>	



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2361

DATE SCANNED 7-5-11

SCANNER NO. 2

SCAN OPERATOR Inv D

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